

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JOHN B. KIMBLE,  
Plaintiff

v.

Civil No. AMD 02-2984

JOHN WILLIS, SECRETARY OF  
STATE, GOVERNOR PARIS [sic]  
GLENDEING, NANCY KOPP,  
TREASURER OF MARYLAND, and  
ADMINISTRATIVE STATE BOARD  
of ELECTIONS,  
Defendants

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MEMORANDUM

Acting pro se, plaintiff John B. Kimble filed this action against a host of Maryland elected and appointed officials (and the state itself) complaining that he has repeatedly been unsuccessful as a candidate standing for election to the United States House of Representatives from Maryland's Fourth Congressional District as a result of the manner in which state officials have crafted that district in the apportionment process. In particular, as to the 2002 statewide redistricting process consequent to the 2000 Decennial Census, Kimble ostensibly sought declaratory and equitable relief of various sorts (as well as damages) and he sought to have a three judge court convened pursuant to 28 U.S.C. § 2284(a). The pro se complaint (as elaborated upon in supplemental filings) comprised, *inter alia*, a prolux jumble of legal citations and excerpts from reported opinions setting forth legal jargon (much of it having a patina of coherence), irrelevant and scurrilous allegations about an incumbent member of Congress, and highly inflammatory and conclusory allegations as to the racial

voting patterns of African-Americans. Defendants filed a motion to dismiss or in the alternative for summary judgment, to which Kimble filed papers in opposition.

In a memorandum and order filed on October 28, 2002, the court concluded that, as best as could be discerned, Kimble was seeking “to assert a ‘racial gerrymandering’ claim [based on] the Equal Protection Clause of the Fourteenth Amendment, under the cause of action first set forth by the Supreme Court in *Shaw v. Reno*, 509 U.S. 630, 649 (1993).” Oct. 28, 2002, Mem. at 3. In any event, the court granted the motion to dismiss, while granting Kimble leave to file an amended complaint, one which “set[] forth a short and plain statement of his claim of racial gerrymandering.” Oct. 28, 2002, Order ¶ 2.

Kimble timely filed an amended complaint, but the amended complaint does not “set forth a short and plain statement of his claim of racial gerrymandering.” Rather, Kimble has simply reconfigured his original complaint and reiterated virtually identical allegations as those contained in the original complaint. Understandably, defendants seek dismissal of the amended complaint.

The court agrees that Kimble, perhaps because he is untrained in the law, has grievously failed to comply with this court’s directive in allowing him to file an amended complaint. The court is cognizant of the special solicitude that must be shown to pro se litigants, *Beaudett v. City of Hampton*, 775 F.2d 1274, 1277 (4th Cir. 1985) (“On the one hand, they represent the work of an untutored hand requiring special judicial solicitude. On the other, they may present obscure or extravagant claims defying the most concerted efforts

to unravel them.” (discussing *Gordon v. Leeke*, 574 F.2d 1147 (4<sup>th</sup> Cir.), *cert. denied*, 439 U.S. 970 (1978)), and of the forgiving standards of the notice pleading regime enshrined in Rule 8(a) of the Federal Rules of Civil Procedure. *See Swierkiewicz v. Sorema, N.A.*, 534 U.S. 506 (2002). Nevertheless, in the context of this case, it would be unfair and prejudicial to require the defendants to try to meet the dense and obtuse complaint lodged herein. *See Beaudett*, 775 F.2d at 1278 (“Principles requiring generous construction of *pro se* complaints are not, however, without limits. *Gordon* directs district courts to construe *pro se* complaints liberally. It does not require those courts to conjure up questions never squarely presented to them. District judges are not mind readers. Even in the case of *pro se* litigants, they cannot be expected to construct full blown claims from sentence fragments . . .”). The simple fact of life is that there will always be high impact, doctrinally complex, constitutional litigation that is beyond the ken of ordinary laypersons (as such claims are not infrequently beyond the capacity of many lawyers to prosecute or even allege).

For the foregoing reason, defendants’ motion to dismiss shall be granted and the case shall be dismissed. An Order follows.

Filed: November 21, 2002

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ANDRÉ M. DAVIS  
United States District Judge

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ORDER

In accordance with the foregoing Memorandum, it is this 21<sup>st</sup> day of November, 2002, by the United States District Court for the District of Maryland, ORDERED

(1) That the defendants' motion to dismiss is GRANTED AND THIS CASE IS DISMISSED; and it is further ORDERED

(2) That the Clerk shall CLOSE THIS CASE and TRANSMIT copies of this Order and the foregoing Memorandum to the attorneys of record and plaintiff pro se.

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ANDRE M. DAVIS  
UNITED STATES DISTRICT JUDGE